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March 13, 2025

Hon. Jeannette A. Vargas
District Court Judge
United States District Court
Southern District of New York
(electronically mailed)

Re: Bryan Abreu v. City of New York, et al
1:23-cv-03814-JAV

Dear Judge Vargas,

The parties respectfully submit this letter in accordance with Your Honor's February 5, 2025 and March 10, 2025 orders. *See* Civil Docket Entries dated February 5, 2025 and March 10, 2025. The parties apologize for failing to comply with the February 5, 2025 order timely, having overlooked the order requiring a letter and appreciate the Court having, *sua sponte*, granted a *nunc pro tunc* extension of the deadline to March 14, 2025.

In accordance with Your Honor's order, the parties provide the following information, to the extent it is relevant, in separate paragraphs:

1. Names of counsel and current contact information, if different from the information currently reflected on the docket;
 - The docket accurately reflects the names and current contact information of counsel.
2. A brief statement of the nature of the case and/or the principal defenses thereto;
 - The parties respectfully direct the Court to Defendants' motion to dismiss pursuant to 12(b)(6), plaintiff's opposition, and defendants' reply. *See* Civil Docket Entries No. 33, 39, and 43

3. A brief explanation of why jurisdiction and venue lie in this Court. In any action in which subject matter jurisdiction is founded on diversity of citizenship pursuant to Title 28, United States Code, Section 1332, the letter must explain the basis for the parties' belief that diversity of citizenship exists. Where any party is a corporation, the letter shall state both the place of incorporation and the principal place of business. In cases where any party is a partnership, limited partnership, limited liability company, or trust, the letter shall state the citizenship of each of the entity's members, shareholders, partners, and/or trustees:

- Venue is based upon all events in the complaint having occurred in this judicial district;

4. A statement of all existing deadlines, due dates, and/or cut-off dates;

- Currently there are no deadlines. Defendants' motion to dismiss was fully briefed as of January 14, 2025 when their reply was filed. The parties await the Court's decision on the motion.

5. A statement of any upcoming conference dates with the Court and the matters that were to be discussed;

- Currently there are no upcoming conference dates.

6. A brief description of any outstanding motions, including the date of the motion and the nature of the relief sought;

- Defendants filed a motion to dismiss plaintiff's complaint alleging that he fails to state a claim. Plaintiff opposed the motion, but also, in the alternative, proposed an amended complaint. *See* Civil Docket Entries No. 33, 39, and 43

7. A statement and description of any pending appeals;

- Currently, there are no pending appeals

8. A detailed statement of all discovery undertaken to date, including how many depositions each party has taken and what, if any, discovery remains that is essential for the parties to engage in meaningful settlement negotiations;

- Currently, no discovery has been done in light of defendants' motion.

9. A brief description of the status of prior settlement discussions, without disclosing exact offers and demands;

- Plaintiff did convey a demand prior to motion practice which, if the motion is denied, will have to be updated.

10. A statement of whether the parties have discussed the use of alternate dispute resolution mechanisms and indicating whether the parties believe that (a) a settlement conference before a Magistrate Judge; (b) participation in the District's Mediation Program; and/or (c) retention of a privately retained mediator would be appropriate and, if so, when in the case the use of such a mechanism would be appropriate;

- The parties have not yet discussed these alternate dispute resolution mechanisms.

11. Any other information that the parties believe may assist the Court in advancing the case to settlement or trial, including, but not limited to, a description of any dispositive or novel issue raised by the case.

- At this time, there is no further information the parties believe could assist the Court.

We are available to answer any further questions that the Court may have.

Yours truly,

James Timko

cc: ACC Kellyanne Holohan